

## **REMARKS**

Claims 1-20 and 22 have been cancelled. Claim 21 has been amended and claim 28 has been added. Claims 21 and 23-28 are pending in the case.

In this Response, Applicant has cancelled claims 1-20 from further consideration in this application. Applicant is not conceding that the subject matter encompassed by claims 1-20 is not patentable. Claims 1-20 were cancelled in this response solely to facilitate expeditious prosecution of the remaining claims. Applicant respectfully reserves the right to pursue additional claims, including the subject matter encompassed by claims 1-20, as presented prior to this response in one or more continuing applications.

The Office Action rejected each of claims 21-27 on various grounds. More particularly, the Office Action rejected claims 21-27 as being anticipated under 35 U.S.C. §102(e) by **Huang**, et al (U.S. Patent Publication No. 2005/0033571). Applicant traverses these rejections.

As described in the patent application, one or more exemplary embodiments of the present invention are generally directed at using sensor(s) to detect user movement indicative of oral communication, and, in response to such movement, activate voice recognition software to process subsequent oral communications from the user. By allowing an electronic device to activate voice recognition software based on a movement indicative of oral communication, the device may be more hands free, for example, to users with disabilities or other needs for hands free voice capabilities. Notably, by activating the voice recognition software based on movement of the user (before the first vocalized sounds are processed by the voice recognition software), the voice recognition software is available to accept the user's initial incoming oral communication. This means that the initial audio communication need not be wasted (or lost) in activating the voice recognition software; rather, the initial audio communication can be captured

by the software for storing or processing. Against this general backdrop, the claims are specifically discussed.

For ease of discussion, claim 21 is discussed first. Claim 21, directed to a method for interfacing with an electronic device, calls for (1) receiving a sensed signal, at an electronic device, based on sensing a physical movement of a user indicative of oral communication using a sensor located proximate to the user's temporomandibular joint, wherein the sensed signal is indicative of an initiation of an oral communication and wherein the electronic device has voice recognition software stored therein, (2) activating the voice recognition software in response to receiving the sensed signal at the electronic device, (3) receiving the oral communication, at the electronic device, subsequent to activating the voice recognition software, and (4) processing, using the voice recognition software, the received oral communication in response to receiving the sensed signal.

The Examiner's argues that *Huang* teaches all of the claimed features of claim 21. Applicants respectfully disagree. For example, *Huang* at least fails to teach the claimed feature of receiving a sensed signal, at an electronic device, wherein the electronic device has voice recognition software stored therein. The Examiner argues that *Huang* teaches a physical movement sensor whose output is sent to a speech detector (the claimed "electronic device," according to the Examiner). See Office Action, p.2; see also *Huang* ¶¶[0008]-[0011]. However, the speech detector does not contain voice recognition software as called for in claim 21.

Huang discloses a computer that is coupled to the speech detector, where the computer receives an output signal from the speech detector. See *Huang* ¶¶[0008]-[0011]. Huang teaches that the computer contains a "speech recognition engine." To the extent the Examiner were to argue that this computer corresponds to the "electronic device" of claim 21, the Examiner's

argument would still fail. This is because the computer in **Huang** does not receive the physical sensor indication, rather it receives the speech detector output signal. The speech detector described in **Huang** generates, based on a microphone signal and a physical sensor indication, an output signal, which is then provided to the computer. In other words, the computer receives the output signal of the speech detector, not a signal from the physical movement sensor. In contrast, claim 21 calls for receiving a sensed signal (that is, the signal sensed by a sensor checking for physical movement). Thus, **Huang** does not teach “receiving a sensed signal” at the electronic device, as called for by claim 21.

Because Huang does not teach the claimed feature of receiving a sensed signal at the electronic device, it also does not, and cannot, teach the next claimed feature of “activating the voice recognition software *in response to receiving the sensed signal at the electronic device.*” For this additional reason, **Huang** fails to anticipate claim 21.

The **Huang** reference also fails to teach the claimed feature of receiving the oral communication, at the electronic device, subsequent to activating the voice recognition software. Recall, that the voice recognition software is activated (as discussed in the earlier claim element) “in response to receiving the sensed signal.” Further, and as also explained in an earlier claim element, the “sensed signal” is indicative of an initiation of oral communication, which is associated with the physical movement. Because claim 21 calls for receiving the oral communication subsequent to activating the voice recognition software, it is possible for one or more embodiments of the present invention to enable the electronic device to receive and process even the initial oral communication (*e.g.*, the communication associated with the physical movement that resulted in the generation of the sensed signal from the sensor). In **Huang**, the computer (which has the voice recognition engine) does not receive the oral communication

subsequent to activating the voice recognition software. To the contrary, the audio signal itself is, in part, used (vis-à-vis the speech detector) to activate (or trigger) the voice recognition engine. Because the audio signal is used to trigger the voice recognition software in *Huang*, the audio signal is not received subsequent to the activation of the voice recognition engine. In contrast, claim 21 calls for receiving the oral communication, at the electronic device, subsequent to activating the voice recognition software. This difference between claim 21 and *Huang* is notable because, unlike *Huang*, one or more embodiments of the claimed invention can avoid the loss of the initial oral communication by ensuring that voice recognition software is activated before the oral communication is received.

Accordingly, for reasons stated above, independent claim 21 is allowable. Moreover, claims depending from claim 21 are also allowable for the same reasons. Additionally, independent claim 28 is allowable for similar reasons claim 21 is allowable.

Applicants respectfully assert that in light of the amendments and arguments provided above, all claims pending in the present application are now allowable and, therefore, request that a Notice of Allowance be issued. Reconsideration of the present application is respectfully requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is respectfully requested to call the undersigned attorney at the Houston, Texas telephone number (713) 934-4064 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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